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THE

ORLEANS INFIRMARY

AND THE

MEDICAL ASSOCIATION

OF NEW ORLEANS.

"Dat veniam corvis, vexat censura columbas."

NEW ORLEANS:

PRINTED AT THE "COMMERCIAL BULLETIN," 112 & 114 POYDRAS STREET.

1869.

THE
Controversy
ORLEANS INFIRMARY

AND THE

MEDICAL ASSOCIATION

OF NEW ORLEANS.

"Dat veniam corvis, vexat censura columbas."

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NEW ORLEANS:
PRINTED AT THE "COMMERCIAL BULLETIN," 112 & 114 POYDRAS STREET.
1869.

The following correspondence between the "ORLEANS INFIRMARY" and the "MEDICAL ASSOCIATION OF NEW ORLEANS" is submitted to our professional brethren for their very careful consideration and unprejudiced judgment.

The recent action of the American Medical Association, which points towards the ultimate proscription of every form of Medical Specialism whatsoever, is fraught with the gravest consequences to all who acknowledge its authority and who are interested in the legitimate progress of American Medicine. The time is near at hand when everyone will be called on to make up his judgment and record his convictions on this question, and the following pages may, therefore, not be wholly useless in aiding others to arrive at a reasonable decision.

If private Infirmaries cannot be established, nor the treatment of Special Diseases undertaken therein, nor the existence of such institutions decently advertised, without furnishing an excuse for the suggestions of malice and incurring the weight of professional condemnation, then, the sooner we remodel our entire system of education and practice, the better.

America has already taught the old world liberalism in statecraft, honesty in finance, and modesty in conduct; it only remains for her to illustrate in medicine, as she has done in every other department, her latest discovery in sociology, that special training is always a positive injury, and that the best qualification for correct practice in one branch of science is a commendable ignorance of all.

261 CAMP STREET, June 3d, 1869.

To the President and Council of the Medical Association of N. O.

GENTLEMEN:—I beg to enclose for your consideration the within handbill.

As we have adopted for our Code of Ethics that of the American Medical Association, I wish an investigation and enquiry made as to whether the within handbill is or is not in accordance with Section 3, Art. I., of the chapter on the duties for the support of Professional Character. I would also ask whether if I issue a handbill calling attention to the fact that I devote particular attention to a certain speciality, I would be regarded as violating the Code of Ethics of the Association.

I remain, very respectfully,

(Signed)

I. L. CRAWCOUR.

P. S.—May I request that after the investigation is concluded the within handbill be returned to me.

I. L. C.

HALL OF THE MEDICAL ASSOCIATION OF N. O.

Special Meeting of the Council, June 9, 1869.

A communication addressed to the President and Council of the Medical Association of New Orleans, by Dr. Crawcour, a copy of which is herewith enclosed, was opened and read in the presence of nine members of the Council, when the following resolution was unanimously adopted :

Resolved, unanimously by the Council, that Dr. Crawcour's letter is considered equivalent to a charge that Drs. Brickell, Beard, Choppin and Bruns have (in regard to a *handbill*, dated 1869, purporting to have been issued and signed by them), violated the Code of Ethics of the Medical Association of New Orleans, and that this resolution shall be appended to the copy of Dr.

Crawcour's letter, to be transmitted by the President to these members.

It is my duty, in accordance with the rules and regulations of our Association, to "demand your defense, in writing to the Council of the Association." If you require it, I will serve a notice upon each member separately.

Very respectfully, &c.

(Signed) B. H. Moss,
Pres. Med. Ass'n of N. O.

To Drs. Brickell, Beard, Choppin and Bruns.

ORLEANS INFIRMARY, 142 Canal Street,
 June 10th, 1869.

To the President and Council of the Medical Association of N. O.

GENTLEMEN:—In an order of your Council, dated June 9th, addressed to us collectively, you state that—

"A communication, addressed to the President and Council of the Medical Association of New Orleans, by Dr. Crawcour, (a copy of which is herewith enclosed) was opened and read in the presence of nine members of the Council, when the following resolution was unanimously adopted:

Resolved, unanimously by the Council, that Dr. Crawcour's letter is considered equivalent to a charge that Drs. Brickell, Beard, Choppin and Bruns, have (in regard to a handbill, dated 1869, purporting to have been issued and signed by them,) violated the Code of Ethics of the Medical Association of New Orleans, and that this resolution shall be appended to the copy of Dr. Crawcour's letter to be transmitted by the President to these members.

It is my duty, in accordance with the rules and regulations of our Association, to 'demand your defense, in writing, to the Council of the Association.' If you require it, I will serve a notice upon each member separately."

(Signed) B. H. Moss, M. D.,
Pres. of the Med. Ass'n of N. O.

On referring to the accompanying letter of Dr. Crawcour, a copy of which you send us, we are surprised to find:

First—That he only wishes an investigation and enquiry made as to whether the within handbill is or is not in accordance with Section 3, Art. I., of the chapter “on the duties for the support of Professional Character.”

Upon very careful examination of the “Rules and Regulations of the Medical Association of New Orleans,” we find nothing which forbids any fellow asking any question whatsoever of the Council, nor any clause which interdicts their answering such questions as they see fit; but, we nowhere discover in said rules and regulations, any authority for the Council’s construing such questions as charges against fellows in good standing, upon which they, the Council, can “demand” a defense.

On the contrary, in Art. XVI., Section 1, it is distinctly, explicitly and authoritatively enjoined that “charges must be specifically stated in writing, over the signature of the fellow, or fellows, making them.”

We, therefore, respectfully deny your right to arraign us on a constructive interpretation of Dr. Crawcour’s interrogatory, and refuse to plead to any “demand of our defense,” in writing or otherwise, until some charge is “*specifically stated.*”

Second—Dr. Crawcour enquires of your Council whether if *he* were to “issue a handbill, calling attention to the fact that he (I) devotes particular attention to a certain speciality, he (I) would be regarded as violating the Code of Ethics of the Association?”

This interrogatory, we respectfully submit, is simply personal, and in the connection in which it stands, almost unintelligible. It certainly does not contain any charge against us, even by implication, and we dismiss it therefore without comment. *De non apparentibus et de non existentibus eadem est ratio!*

At the regular meeting of the Association, held June 2d, when Dr. Crawcour attempted to arraign us before the fellows, in the

same terms and after the same method which he has used in his letter, your honorable President decided that he was "out of order," and instructed him that his charges must be specifically stated according to the rules laid down in Art. XVI., which he then read to him. Dr. Crawcour, however, has again failed to comply with the laws of the Association and the ruling of the President, and until, in accordance with both, he brings a specific charge, we shall have no defense to offer.

But we wish it, now and always, to be distinctly understood that we are not only ready but anxious, at all times, to meet any charge brought against us, *in forma*, by any fellow whomsoever. In adhering to the letter of the rules and regulations of the Association, our demand for a strict construction of the same is made purely in the interest of the members of that body, any one of whom may some day find himself, as we now do, if such laxity obtains, called upon to answer the gravest charges, insinuated in the most vague, disingenuous and irresponsible manner.

We have the honor to be, very respectfully,

SAMUEL CHOPPIN,
C. BEARD,
D. WARREN BRICKELL,
J. DICKSON BRUNS.

ORLEANS INFIRMARY, 142 Canal Street,
June 16th, 1869.

To the Council of the Medical Association of New Orleans :

GENTLEMEN :—By your official communication of the 9th inst., we are under charges of violation of the Code of Ethics of the Medical Association of New Orleans, at the hands of the Council.

In the Rules and Regulations of the Association, we find—

First—That a fellow under charges is not in "good standing."

Second—No authority for the Council to bring charges against any fellow.

Under the circumstances it becomes our duty, for ourselves and for the good of the Association, to respectfully demand the withdrawal of your communication of 9th inst.

Very respectfully,

SAMUEL CHOPPIN,
C. BEARD,
D. WARREN BRICKELL,
J. DICKSON BRUNS.

[Copy of a communication from Dr. Crawcour, addressed to the President and Council of Medical Association.]

261 CAMP STREET, June 16th, 1869.

DR. MOSS:—Dear Sir—I beg to acknowledge the receipt of your favor of the 16th inst.

In reply, I beg to state that I charge Drs. Choppin, Brickell, Bruns and Beard, with violating Section 3, Article I, of the Chapter on the duties for the support of Professional Character, as embodied in the Code of Ethics adopted by the Medical Association of New Orleans.

In testimony I enclose the within handbill, and request that the subject be tried and investigated according to the by-laws of the association.

Very respectfully,

(Signed) I. L. CRAWCOUR, M.D.

ORLEANS INFIRMARY,
No. 142 Canal Street.

New Orleans, April, 1869.

SIR:

We desire to call your attention to the enclosed card of our Infirmary, established for the treatment of certain medical and surgical diseases, to which we have devoted much time and attention.

Our object is to offer all persons visiting this City for professional advice the best aid which legitimate medicine can afford, by a combination of ap-

proved Specialists, in an institution uniting all the advantages of a perfectly appointed Infirmary, with the care, comfort, and privacy of a home.

The Infirmary is centrally situated in one of the healthiest parts of the City, and is commodious, well ventilated, and elegantly furnished.

The best Nurses are employed, and Patients will enjoy all the additional security which the personal supervision of a Resident Physician can give.

In the management of the Infirmary,

DR. SAMUEL CHOPPIN,

in addition to GENERAL SURGERY, will give special attention to diseases of the *Rectum, Bladder and Urethra*, and to all *Deformities* requiring operations; such as *Club-foot, Hare-lip, Cleft-palate, &c. &c.*

DR. C. BEARD

will attend to the medical and surgical treatment of DISEASES of the EYE and EAR.

DR. D. W. BRICKELL

will give attention to DISEASES PECULIAR to WOMEN, and all operations for the relief of *Orarian Tumors, Dysmennorrhœa, Sterility, Vesico-Vaginal Fistula, Laceration of the Perineum, &c., &c.*

DR. J. DICKSON BRUNS

will attend to all DISEASES of the HEART, LUNGS and THROAT.

DR. SAMUEL CHOPPIN,

DR. C. BEARD,

DR. D. W. BRICKELL,

DR. J. DICKSON BRUNS.

To insure the confidence of those in the country not acquainted with us personally, or otherwise, we beg leave to offer the following names as

REFERENCES:

Gen'l G. T. Beauregard,
Gen'l J. S. Marmaduke,
Moses Greenwood,

W. J. Frierson & Co.
Adams, Cockburn & Howe,
Penn, Pace & Nixon,

Jno. Chaffe & Co.
Kennett & Bell,
Gen'l Jas. Tappan.

NEW ORLEANS, June 21st, 1869.

To Drs. Choppin, Brickell, Bruns and Beard:

GENTLEMEN:—By resolution of the Council, I have the honor to send you enclosed a copy of a resolution adopted June 19th, 1869, in reply to your communication addressed to the President and Council, and received on the 16th inst., also a copy of a sealed communication addressed to the President and Council, and received on the 16th inst., from Dr. Crawcour, enclosing a

printed handbill signed by Drs. Choppin, Brickell, Bruns and Beard. By resolution of the Council, and by the Rules and Regulations of our Association, it is made my duty to "demand" of you a written defense.

I have the honor to be,

Very respectfully yours,

B. H. Moss, M. D.,

President Med. Association, N. O.

[Copy of resolution adopted, June 19th, 1869.]

HALL OF MEDICAL ASSOCIATION OF N. O.

A quorum of nine being present at a meeting of the Council,
June 19th, 1869:

Resolved—That the Council reply to the sealed communication of Drs. Choppin, Brickell, Bruns and Beard, that it has never made any charges against them, and has, therefore, none to withdraw; it simply gave the plainest interpretation to a sealed communication from Dr. Crawcour, enclosing a printed handbill of Drs. C., B., B. and B.

In fact, the Council only placed the same construction upon the sealed communication that Drs. C., B., B. and B. did themselves upon the investigation proposed by Dr. Crawcour in open meeting, June 2d, 1869, when they claimed that Dr. Crawcour was making charges against them, and was out of order; because, in accordance with Art. 16 of the Rules and Regulations, such charges should be made in writing, under seal, to the Council; which claim was sustained by the President and Association.

(Signed)

B. H. Moss, M. D.

President Med. Association of N. O.

ORLEANS INFIRMARY, 142 Canal Street.

June 22d, 1869.

To the President and Council of Medical Association of N. O.:

GENTLEMEN:—In reply to your resolution adopted June 19th, we beg leave respectfully to submit that the very issue made by us in our refusal to plead to a “demand” for defense against *constructive* charges of the Council was, that the Council had *no latitude*, and could not interpret interrogatories as specific charges against fellows in good standing.

Our own right to arrest any fellow in such attempt before an “open meeting” of the Association was clear; but, as a judicial body, you occupy a very different position, and could not legally at the same time frame an indictment and summon the defendants. It has always been held monstrous to unite the functions of judge and prosecutor. Whilst we, therefore, re-affirm that your powers went no farther in the premises than to answer Dr. Crawcour’s interrogatories, if you saw fit, and that a retraction of your “demand” was necessary to rehabilitate us as fellows in good standing, we waive further argument in the face of a positive charge to which we herewith submit our “defense in writing,” according to the Rules and Regulations of the Medical Association of New Orleans.

Very Respectfully,

SAMUEL CHOPPIN,
C. BEARD,
D. WARREN BRICKELL,
J. DICKSON BRUNS.

ORLEANS INFIRMARY, 142 Canal Street.

June 23d, 1869.

To the President and Council of Medical Association of N. O.:

GENTLEMEN:—We have received the resolution of your honorable body, demanding our written defense of charges brought

against us by Dr. I. L. Crawcour, in a communication addressed to you, bearing date June 16th, 1869, a copy of which you enclose.

Dr. Crawcour's letter contains a charge and a specification.

The charge is that we have "violated Section 3, Article I., of the Chapter on the duties for the support of Professional Character, as embodied in the Code of Ethics adopted by the Medical Association of New Orleans."

The specification is that the aforementioned violation consists in the issuing of a "handbill," whose nature he desires should be "tried and investigated according to the by-laws of the Association."

We deny the charge and the specification.

And first as to the specification :

If we wished to be captious, we think we might not unreasonably object to the pre-judgment of our case, implied in your twice using the very objectionable term "handbill" (as descriptive of our circular) in your "demands" upon us of the 9th and 19th instants.

Assured, however, of your impartiality, we respectfully submit that according to the definitions given by Webster in his Unabridged Dictionary, edition of 1869—the standard authority now among English and American writers—a *Handbill* is "a loose printed sheet, to be circulated or stuck up for some public announcement."

A *Circular*, on the contrary, is a "circular letter, or paper, often printed, copies of which are addressed to many persons: as a business circular, a political circular."

Now we unhesitatingly declare that so far from ever having issued a "handbill," the printed notice of our Infirmary which Dr. Crawcour enclosed to you, in testimony of his charges, falls strictly within the letter of the above definition of a "circular," and that no copy of the same has ever been sent out of our office, by our motion or consent, which was not addressed to a *bona fide* person, under cover of a stamped and sealed envelope.

It has always been, therefore, of the nature of a private letter, and any copy falling into other hands has done so by no direction of ours, or been fraudulently and surreptitiously obtained.

In using the word "handbill" as definitive of the form and nature of our "circular," the prosecutor has simply exhibited his ignorance of his mother tongue.

As far as Dr. Crawcour's specific charge goes, we might strictly rest here; but the case seems to us one of such grave importance to our common profession, that we will pass beyond the letter to the spirit of the charge, and of that section of the code which we are said to have violated.

The Article in question reads:

"It is derogatory to the dignity of the profession to resort to public advertisements, or private cards, or handbills, inviting the attention of individuals affected with particular diseases—publicly offering advice and medicine to the poor gratis, or promising radical cures; or to publish cases and operations in the daily prints, or suffer such publications to be made; to invite laymen to be present at operations, to boast of cures and remedies, or to perform any similar acts. These are the ordinary practices of Empiries, and are highly reprehensible in any regular physician."

Now, it is a maxim of law, that every statute is to be interpreted as a whole, it must be read in the light of its entire intent and meaning. *De minimis non curat lex*—the law does not potter over trifles.

Does our circular, then, come within the purview of Section 3, Art. I., of the Code of Ethics? Clearly not as it seems to us.

Neither the framers nor signers of that code ever intended to forbid, absolutely, the issuing of any form of advertisement or private card. If so, they have universally violated its injunction in letter and spirit, by every door-plate, street-sign, and newspaper card which offers their services to the public. Still less did they mean to stultify themselves by including in one sweeping denunciation, all specialists; a class which, in the increasing

sub-division of labor that obtains in every department of modern thought and industry, includes the most distinguished medical names at home and abroad.

Rationally and fairly interpreted, the section only means to affirm that it is derogatory to a regular physician to advertise himself by loosely scattered handbills, by offering gratuitous services to the poor—as a bait for the rich—promising radical cures, boasting of his skill or remedies, publishing his cases and operations in the daily prints—as quacks do—all of which are “the ordinary practice of empirics, and highly reprehensible.”

Our circular is not even an individual card, but the advertisement of an Infirmary—a private hospital—established and conducted by four physicians, and it does no more than announce that, in that hospital, special cases will be taken charge of by particular members of the firm who, through long attention to the nature and treatment of certain named diseases, feel themselves qualified to offer their services to the public for their relief. If it be ever permissible to practice a specialty, or ethical for an individual member of the profession to announce that he will do so, it is surely much more permissible for a number of reputable physicians to associate themselves in the practice of special as well as general medicine and surgery, and to issue a circular to that effect.

If to do this is “derogatory to the dignity of the profession,” where shall we look for an example of medical integrity? Certainly not within the pale of the American Medical Association, nor even in the ranks of the Medical Association of New Orleans, which has adopted “the code” as their guide.

You will find enclosed a Circular of Dr. R. N. Given of Pennsylvania, advertising a “Private Hospital for Mental Diseases.” Among his references, and at the head of the list, stands the name of Samuel Henry Dickson, M. D., Professor of Practice in the Jefferson Medical College, Philadelphia, the Nestor of American medicine. *Nomen clarum et venerabile*,”—and associated

with his, on the same circular, the not less distinguished names of Profs. Carson, F. G. Smith, Alfred Stille, Biddle and Meigs, and of Drs. John Bell, John Neill and Edward Hartshorne.* Can it be supposed that these gentlemen, these "seniors," whom, by the code we are specially instructed to honor, would have given their support or countenance to any form of advertisement, for any object whatsoever, which they thought "derogatory to the dignity of the profession?"

We further submit a list (a few of a thousand such examples, if they were needed) showing that by universal practice and consent, physicians have never hesitated to advertise themselves, and to advertise themselves moreover, as practitioners in special departments of medicine. Nor has the American Medical Association, or the Medical Association of New Orleans, ever condemned any of these physicians, foremost among whom you will find Dr. Crawcour, for advertising themselves or the institutions with which they are connected.

First—In the May, 1867, number of the "Southern Journal of the Medical Sciences," is the card of Dr. I. L. Crawcour, in which he announces that he gives special attention to diseases of the Urinary and Genital Organs, and that he will make quantitative and qualitative analyses of morbid urine, calculi and deposits.

Second—In the February, 1867, number of the "Southern Journal of the Medical Sciences," is the card of Drs. Beard and Choppin, announcing that Dr. Beard will give special attention to diseases of the eye and ear; and that Dr. Choppin will give attention to surgery, with special attention to deformities, syphilitic affections, &c.

Third—In the January, 1869, number of the "New Orleans Journal of Medicine," is the card of Drs. Brickell and Bruns, in which Dr. Brickell announces that he gives special attention to diseases of females, and Dr. Bruns, that he gives special attention to diseases of the throat and chest.

Fourth—In the same number of the same journal, Dr. Nathan Bozeman, of New York City, issues a card, stating that he has established a private Hospital for diseases of women, to which

* To this list of references are added six *non-professional* names.

institution Drs. Willard Parker and Austin Flint, Sr., are consulting medical officers, and Dr. Bozeman appeals to the sympathy and patronage of the profession.

Fifth—In the "Buffalo Medical Journal" for March, 1869, is to be seen the card of Dr. E. D. Hudson, whose specialty is artificial limbs.

Sixth—In the Medical Archives of St. Louis for March, 1869, is the card of Dr. Wm. Dickinson, oculist.

Seventh—In the "Medical Gazette of San Francisco," for May, 1869, is to be found the card of Dr. Geo. H. Powers, who devotes himself to the specialty of diseases of the eye.

Eighth—In the Medical Journals of this country from Boston to California, is to be found the card of Dr. Horatio Storer, calling attention to his private course of instruction in the specialty of diseases of women.

Ninth—In the "Review of Medicine and Pharmacy," Detroit, Michigan, for March, 1869, Dr. T. A. Fairhaven, announces himself as oculist and aurist; Dr. A. F. Jennings announces himself as giving attention to urinology and toxicology; and Dr. J. F. Noyes announces himself as giving special attention to diseases of the eye and ear.

Tenth—In the "Medical Repertory," Cincinnati, for May, 1869, Drs. Taliaferro and Buckner announce themselves as giving special attention to diseases of the eye and ear.

Eleventh—In the "New York Medical Journal" for May, 1869, Dr. J. H. Hazleton announces his private Asylum for mental diseases, and gives references.

Twelfth—In the Richmond and Louisville Medical Journal for March, 1869, is to be found the card of Professor Julian J. Chisolm, M. D., late of Charleston, now of Baltimore, as oculist and aurist.

All these are "public advertisements," to use the language of Sec. 3, Art. I. of the Code of Medical Ethics; and not only are these "public advertisements," issued by respectable members of the profession, but they have the endorsement of the medical press itself, whose editorial staff are, for the most part, members of the American Medical Association, some of them indeed occupying

high positions in that body. For it will not, we presume, be denied that the editor of a medical journal who issues such a "public advertisement" and receives pay for it, *pro-tanto* approves and endorses the propriety of the advertisement.

We also refer your honorable Council to the files of the daily press of this city, for many years past, for the "public advertisements" of "Luzenberg's Hospital" (late Hays'); Dr. Anfoux' "Small Pox Hospital," the "Maison de Santé" of Dr. Stone (late Stone's Hospital, as "publicly advertised" on the pediment of the building); the "Circus Street Infirmary," conducted in turn by Dr. Mackie, by Dr. Ker, by Profs. Wedderburn and Nott, by Dr. Beard, by Drs. Mercier and Chaillé, and now, lastly, by Drs. Trudeau and Formento; the "Eye Infirmary" of Dr. Beard; the "Orthopædic Hospital" of Drs. Choppin and Schuppert; the "Woman's Hospital" of Dr. Bozeman, established on Baronne Street, and the "Hotel Dieu," with its visiting and consulting staff, advertised not only in newspaper columns, but by cards framed and hung up at hotels, and on steamboats.

Conspicuous among such "public advertisements" of infirmaries has been that of the "Woman's Hospital" of New York City, established by Dr. J. Marion Sims, under the patronage of the late Prof. Valentine Mott. Has any word of censure been uttered against these gentlemen?

It is pertinent just here, we think, to quote, on the authority of Dr. Wm. E. Kennedy of this city, than whom a loftier and more honorable gentleman does not exist in our profession, the facts in relation to the foundation of the "Maison de Santé" of Dr. Stone, above alluded to. In a letter addressed to one of us, dated June 22d, 1869, of which the following is a true copy, he says:

"In 1839, August, Stone and Kennedy opened their Maison de Santé for the reception of patients. This fact was announced in the shape of 'advertisements' in French and English, in all the newspapers of the city. The object of the advertisement was to set forth the locality of the institution, the number of rooms, the accommodations, as of furniture, nursing, medical and surgical attendance, rates of admission to different wards, pre-payments, &c., &c.

“This advertisement was also struck off on what would now be called, I suppose, a ‘handbill.’

“This ‘handbill’ was not sent through the post-office to different parts of the country, not that I should have had any objection in doing so, but simply because I never thought of it. Instead of this last method of informing the public *at large*, I resorted to one which now-a-days might be considered more objectionable on the score of *ethics*. I had a number of these ‘handbills’ framed and hung up in the principal hotels, coffee-houses, barber shops, steamboat-cabins, and all other places of public resort; gave some to friends in the city, both professional and lay, and never for a moment dreamed that I was departing from the strict ends of professional propriety, or gentlemanly conduct.”

(Signed)

·W. E. KENNEDY.

It may aid your judgment, in coming to a decision on this question, to take into consideration the annual circulars of the Medical Schools of this country, with their “public advertisements” in the medical journals and in the secular press. These advertisements call attention pointedly to the fact that members of the several faculties teach special branches of medicine; and, since medical specialism has made such rapid advances it is becoming quite common to see announced Professors of Oculistry, Orthopædic Surgery, &c., &c. If in advertising an infirmary in the daily papers, in medical journals, and by circulars such as ours, we are violating the code of medical ethics, as is charged, then the teachers of medicine in this city who belong to our association are equally guilty of its violation. For what stronger advertisement that he practices a specialty can any one desire than the public announcement that he teaches it?

We trust that it is unnecessary to add that we refer to these “advertisements” in no captious spirit of criticism. If they violate the code of professional ethics, we would scorn to entrench ourselves behind the disreputable practices of others. Our act appeals to the common sense of men, and, liberally and fairly interpreted, is its own best defense.

We point to the various forms of advertising merely to illustrate what the practice and precedent in our profession has been, and to show that no one would be safe from assault if his conduct were to be measured by a garbled verbal application of the code, in disregard of its true spirit and intent—that spirit which is its life, and which alone can effectually appeal to the profession for support.

We might go further; we might urge that such institutions as the one we have organized, have long been imperatively needed in the South; that instead of being made the butt of hostile shafts, they should be applauded and encouraged. We might assert our claims to at least a fair share of reputation for professional zeal and honesty, by pointing not merely to our past history as individuals, but as the organizers and active supporters of the very association before whose bar we are now summoned. Without overstepping the bounds of modesty, we think we may fairly challenge comparison with any fellow of that body in earnest and unwavering devotion to the highest interests of our profession.

If this were the place we might show the animus of this prosecution by illustrating the associations and practices of the fellow who has arraigned us. Our own dignity, and our respect for your honorable body, alike admonish us to forbear from what might wear even the appearance of recrimination, in a defense against charges of unprofessional conduct: a defense which, like our consciences, must be as clear as noon day or is utterly worthless.

Conscious that we have never had an aim incompatible with the strictest honor of our profession, nor an object unassociated with its best advancement, we submit our case without hesitation and without fear.

Respectfully yours,

SAMUEL CHOPPIN,
C. BEARD,
D. WARREN BRICKELL,
J. DICKSON BRUNS.

NEW ORLEANS, July 5th, 1869.

Drs. Brickell, Bruns, Choppin and Beard :

GENTLEMEN :—It is my duty, by the Rules and Regulations of our Association to notify you of the unanimous decision (*sic*) of the Council (fifteen members being present) in the matter of charges brought by Dr. I. L. Crawcour, a copy of which I herewith enclose.

Permit me, gentlemen, to hope that I shall soon have the pleasure of receiving (*sic*) from you your friendly acceptance of the same, and that we may all still work together for the good of our association and our common profession (*sic*).

Very truly, &c.

B. H. MOSS, M. D.,
Presid't Medical Association.

P. S.—There will be an ordinary monthly meeting of our association on Wednesday evening next, the 7th inst. B. H. M.

The following Preamble and Resolutions were adopted at the Meeting of the Council of the Medical Association of New Orleans, held on Saturday, July 3d, 1869 :

Inasmuch as Drs. S. Choppin, D. W. Brickell, C. Beard, and J. D. Bruns, have resorted to a private card or handbill or circular dated April, 1869, which designates themselves as “approved specialists;” calls the attention of “individuals affected with particular diseases” to their special skill in such diseases; and have appended thereto as a part thereof, references to influential citizens (non-professional) similar to adducing certificates of skill, therefore,

Resolved, that the above specifications are in violation of Chap. II., Art. I., p. 3, of the Code of Ethics of the American Medical Association, which is a part of the rules and regulations of the Medical Association of New Orleans, and which states that

“It is derogatory to the dignity of the profession” and “highly reprehensible in a regular physician to resort to advertisements

or private cards or handbills, inviting the attention of individuals affected with particular diseases," "to adduce certificates of skill" or "to perform any similar acts."

Resolved, that the Council recognizes with pleasure the high position, the just influence, and the valuable services to this society of the fellows under charges; and, having no other object in view but the welfare of the profession, expresses the hope that these fellows, yielding their judgment to that of the Council, will cordially unite with them in determining for the future, if the present regulations be unsatisfactory, what shall be the guiding rules of conduct of the fellows of this association and of enforcing all such rules without fear or favor.

Resolved, that inasmuch as the rules and regulations enforce either "suspension or expulsion" as the necessary penalty of a violation of the rules and regulations, Drs. S. Choppin, D. W. Brickell, C. Beard and J. D. Bruns, are hereby "suspended" by the Council, for such time, however brief, as they may require to signify to the President their willingness to conform their action to the interpretation given by the Council to the existing "rules and regulations" of this association.

(Signed)

B. H. Moss, M. D.,

From the Minutes,

Pres. Medical Association.

JOHN W. CALDWELL, M. D.

Recording Secretary.

ORLEANS INFIRMARY, 142 Canal Street,

July 7th, 1869.

To the President and Fellows of the Medical Association of N. O.:

GENTLEMEN:—As the Council of the Medical Association of New Orleans, at a meeting held July 3d, 1869, for the purpose of passing judgment on certain charges brought against us by Dr. I. L. Crawcour, a fellow of your body, have, in their preamble, set a construction upon the circular of the Orleans Infirmary, conducted by us, which we think wholly unwarrantable; and as

they have decided said circular to be in violation of Chap. II., Art. I, par. 3, of the Code of Ethics of the American Medical Association, which is a part of the rules and regulations of the Medical Association of New Orleans; and as they have

Resolved, that "inasmuch as the rules and regulations enforce either 'suspension or expulsion' as the necessary penalty of a violation of the rules and regulations, Drs. S. Choppin, D. W. Brickell, C. Beard and J. D. Bruns, are hereby 'suspended' by the Council, for such time, however brief, as they may require to signify to the President their willingness to conform their action to the interpretation given by the Council to existing 'rules and regulations' of this association."

We would respectfully make answer that, in the defence already read to your honorable body, we have set forth our views of the real intent and meaning of the Code of Ethics, and shown that precedent, custom, and a fair construction of the code, alike absolve us from any violation of its injunctions, in whole or in part; and to this we have nothing to add in qualification or retraction.

Our circular was not prepared or issued by us without long and serious deliberation, and, despite the judgment of the Council, we find nothing in our conduct that does not, on an impartial review, seem to us to be fair, honorable and judicious.

To yield this point would be to make a confession disgraceful to ourselves, and a concession fraught with the gravest danger to the character, influence, and prosperity of every medical man who might seek to lift himself above the level of common professional attainment.

This conclusion is final and absolute on our part, and, as our determination is irrevocable not to "signify to the President our willingness to conform to the interpretation given by the Council to the existing rules and regulations of the association," as applied to our case, and as we desire to relieve your honorable body from all further embarrassment, we beg leave to offer our several resignations, to take effect from whatever date your honorable body may be pleased to receive them.

SAMUEL CHOPPIN,
C. BEARD,
D. WARREN BRICKELL,
J. DICKSON BRUNS.

ORLEANS INFIRMARY, 142 Canal Street,
July 10th, 1869.

Dr. B. H. Moss, President Medical Association of N. O.:

SIR:—We would be pleased to know what action the Medical Association of New Orleans took on the subject of our resignations offered at its meeting on the 7th inst.

Very respectfully, your obd't serv'ts,

D. WARREN BRICKELL,
SAMUEL CHOPPIN,
C. BEARD,
J. DICKSON BRUNS.

NEW ORLEANS, July 10th, 1869.

Drs. Choppin, Brickell, Bruns and Beard:

GENTLEMEN:—Your communication of to-day is before me, and, in reply to your question as to what "action the Association took on the subject of your resignations." I have to say that your communication of the 7th inst., was read by the Secretary to the Medical Association, on Wednesday evening, the 7th, in special meeting, and the Association decided they could not accept your resignations, and it was moved and carried that your "communication be laid on the table," and that no reply to it was necessary.

Very respectfully, your ob't serv't,

B. H. MOSS, *Pres. Med. Ass. of N. O.*

ORLEANS INFIRMARY, 142 Canal Street,
July 12th, 1869.

To the President and Fellows of the Medical Association of N. O.:

GENTLEMEN:—In answer to a letter from us of the 10th inst., asking for information, your President replies: "That your (our) communication of the 7th inst., was read by the Secretary to the Medical Association on Wednesday evening, the 7th, in special

meeting; and the Association decided they could not accept your (our) resignations, and it was moved and carried that your (our) communication be laid on the table, and that no reply to it was necessary."

The Association will, of course, be governed in such matters by its own sense of courtesy; but, we are at a loss to conjecture how we could obtain any actionable knowledge of our present relations to the Association without official information of it from yourselves.

It is not our intention to discuss any further with your honorable body the action of the Council, nor your approval of the same—both, we suppose, are final; but we are now free to say what before would have been in bad taste, and liable to misconstruction.

In rendering their decision, the Council state that "the rules and regulations enforce either 'suspension or expulsion' as the necessary penalty of their violation."

Now, *expulsion* is, as it was certainly intended by the framers of the law to be, the graver punishment of the two. It cuts off the subject of it from all association with the body expelling him at once and forever. Whether it carry with it any pains or penalties beyond the mere exclusion from fellowship would, of course, depend upon the cause of expulsion. The crime and not the scaffold makes the shame.

Suspension, on the other hand, is only a *temporary* privation of rights and privileges, and must have, therefore, a *definite limit*.

But the Council, without any warrant to be found in the rules and regulations for such judgment, decide that we are "SUSPENDED for such time as we may require to signify to the President our willingness to conform our action to the interpretation given by the Council to the existing rules and regulations of the association." And when we decline to do this (because we believe such consent to be disgraceful to ourselves, and prejudicial to the best interests of our professional brethren), but offer our resignations in order

to relieve you from the embarrassment likely to arise from a finding which, however illegal, you had already approved, you decide that our resignations "cannot be accepted" and "lay them on the table."

What follows? That—even granting our guilt—the presumed milder sentence of the law assumes the proportions of a monstrous and intolerable wrong. For we are not merely cut off from all the rights and privileges of fellowship, which is the utmost that expulsion could effect, but taxed *indefinitely* with all the charges and responsibilities of an association in which we are denied any part or lot.

But mark! in the same series of resolutions, the Council, after a very flattering allusion to our "high position," "just influence" and "valuable services to the society," "expresses the hope that these fellows, yielding their judgment to that of the Council, will cordially unite with them in determining for the future, if the present regulations be unsatisfactory, what shall be the guiding rules of conduct of the fellows of this association."

If this resolution mean anything, it fully acquits us of all *intentional violation* of the Code of Ethics; for surely, the Council would not consent to, much less invite, reassociation with us otherwise. The end, therefore, if cordially desired, was not far to seek. They had only to make such a declaration, and our whole past warrants us in asserting that we would have as cordially stricken hands with the Association, and, after serious and impartial debate in open session, so fixed the land-marks of our ethical law, that, thenceforward, he who ran might read.

But when to this request, that we would yield our private judgment to that of the Council, a punishment, degrading in its nature, is affixed, *to have operation until such concession is made*, we reject the compromise as unworthy of men or gentlemen. Any man may be proud to walk through a door of reconciliation; no gentleman will abase himself to crawl through a hole of adjustment.

To the declaration, therefore, of the association, that we *cannot resign*, we very respectfully and finally make answer that *we have resigned*:

SAMUEL CHOPPIN,
C. BEARD,
D. WARREN BRICKELL,
J. DICKSON BRUNS.

